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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

STUART REID COVINGTON, JR.,

Defendant and Appellant.

B252217

(Los Angeles County  
Super. Ct. No. NA095096)

APPEAL from a judgment of the Superior Court of Los Angeles County, Jesus I. Rodriguez, Judge. Affirmed.

Jonathan B. Steiner and Ann Krausz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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A jury convicted Stuart Reid Covington, Jr., of assault with a deadly weapon, and after a court trial, his prior conviction of a serious or violent felony was found true. Covington was sentenced to 13 years in state prison. He filed this timely appeal.

We appointed appellate counsel to represent Covington. After examining the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. On March 21, 2014, we advised Covington he had 30 days in which to personally submit any contentions or issues he wished us to consider. To date, we have received no response.

The evidence at trial was that Covington had a daughter with Tiffany Perez. On March 17, 2013, Juan Cruz was with Perez in her apartment when Covington knocked on the door. Perez did not let him in. When Covington saw Cruz inside, he said to Cruz, “You’re a bitch.” Perez told Covington to leave, and he left but said he would be back. When Cruz left, Perez walked downstairs with him and as they walked toward Pacific Coast Highway, she told Cruz, “Run, run.” Cruz saw Covington coming at him with a bat, and began to run down the road. Cruz turned around and fell down, putting his arms up to protect himself. Covington swung the bat from over his head at Cruz, hitting his arms three times. Two passing police officers saw what appeared to be a fight, stopped their patrol car, and ordered Covington out from where he was hiding behind a car; he was holding a baseball bat. Asked what was going on, Covington said, “He’s in there fucking my girl with my kids.” During the booking process, Covington “said he tried to hit him, but he missed.” In his defense, Covington conceded that an assault occurred but argued that the baseball bat was not used as a deadly weapon. The jury found him guilty after deliberating for two hours.

Covington’s 13-year sentence consisted of the upper term of four years doubled pursuant to the three strikes law, plus an additional five years for the prior prison term.

We have examined the entire record and are satisfied that Covington’s counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

## **DISPOSITION**

The judgment is affirmed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

ROTHSCHILD, Acting P. J.

MILLER, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.